



Virginia Regulatory Town Hall

Notice of Intended Regulatory Action Agency Background Document

Agency Name:	20
VAC Chapter Number:	640
Regulation Title:	Regulations Governing Substitute Teachers
Action Title:	Promulgate new regulations
Date:	4/17/00

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The Board of Education intends to promulgate new regulations entitled Regulations Governing Substitute Teachers (8 VAC 20-640-10 et. seq.) This action is necessary because the Code of Virginia, Section 22.1-302.B, requires that the Board of Education shall promulgate regulations regarding temporarily employed teachers. The primary purpose of promulgating regulations for substitute teachers is to ensure that substitute teachers meet basic requirements before teaching in Virginia classrooms.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

Under Article VIII, Section 4 of the Constitution of Virginia (1971), the Board has the authority and responsibility for the general supervision of the public school system.

Section 22.1-16 of the Code of Virginia states: "The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title." (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-16>)

Section 22.1-302 of the Code: A temporarily employed teacher is defined in this section of the Code as (i) one who is employed to substitute for a contracted teacher for a temporary period of time during the contracted teacher's absence, or (ii) one who is employed to fill a teacher vacancy for a period of time, but for no longer than ninety teaching days in such vacancy during one school year. (<http://leg1.state.va.us/000/1st/LS805316.HTM>)

Section 22.1-302, Subsection B, of the Code states that "the Board of Education shall promulgate regulations regarding temporarily employed teachers, as defined in this section, which shall provide that such teachers be at least eighteen years of age and that they hold a high school diploma or a general educational development (GED) certificate." (<http://leg1.state.va.us/000/1st/LS805316.HTM>)

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

Prior to 1993, the requirements for substitute teachers were included in the Licensure Regulations for School Personnel. The Advisory Board on Teacher Education and Licensure recommended that substitute teacher regulations be removed from the licensure regulations because substitute teachers are not issued licenses. As a result of the approval of the Licensure Regulations for School Personnel in July 1993, the Board of Education regulations for substitute teachers became nonexistent. The Board of Education reviewed local school board substitute teacher requirements and decided not to promulgate additional regulations. The General Assembly, however, has now required the Board to promulgate regulations (Section 22.1-302.B).

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

The Department of Education conducted a survey of all local school divisions in order to determine the local policies already in place. In surveying school divisions, most school boards have adopted local requirements which meet or exceed the proposed regulations. It was determined that the proposed regulations are appropriate for the needs of the local divisions and give the divisions the flexibility to make decisions based on local needs.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

A high quality teaching force will benefit all Virginians, not just those with children enrolled in the public schools. Teachers, administrators, and local school boards have an obligation to ensure that the best interests of students guide policy and practice. Thus, it is in the public's interest to set and maintain qualifications for substitute teachers in Virginia's public schools. This proposed regulation will have no negative impact on the family, family income, or family stability